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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,990	12/14/2001	Stevan A. Koistinen	21-1231	4975

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Kaardal & Associates, PC  
Attn: Ivar M. Kaardal  
3500 South First Ave. Circle - Suite 250  
Sioux Falls, SD 57105-5802

EXAMINER

WEINHOLD, INGRID M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/016,990

Applicant(s)

KOISTINEN, STEVAN A.

Examiner

Ingrid M Weinhold

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 12-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11, 17-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 31 January 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED FINAL ACTION**

***Claim Rejections - 35 USC § 102***

Claims 1-4, 7, 10, 11, 17, 18, 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Waddell (5,215,236). Waddell shows a clip comprising a mounting portion having an inner face and an opposing outer face, a pair of side edges and a pair of end edges, an elongate longitudinal extent (21), a pair of transverse extents, each transverse extent extending from one of the end regions of the longitudinal extent in a generally transverse orientation to the longitudinal extent, a pair of return extents, each of the return extents extending from one of the transverse extents, each of the return extents extending towards each other, and a pair of free end extents, each of the free end extents extending from one of the return extents. The pair of transverse extents extend outwardly from the inner face of the longitudinal extent (21), each of the transverse extents having opposite end regions, a first one of the end regions of each of the transverse extents being joined to one of the end regions of the longitudinal extent. Each of the return extents extends generally parallel to the longitudinal extent, and extends from a second one of the end regions of one of the transverse extents. Each of the transverse extents and each of the return extents are arcuate. The end edges of the mounting portion are located on one of the free end extents and a gap is formed between the end edge on the free end extent and the longitudinal extent. The clip additionally comprises a securing portion mounted on the mounting portion comprising a hook (25) for holding a portion of an ornamental item against the mounting portion, the

hook having a first end mounted on the mounting portion and a second end being free of connection to the mounting portion, the hook opening toward a side edge of the mounting portion and extending substantially parallel to the longitudinal extent and substantially perpendicular to the side edge of the mounting portion. The hook generally converges toward and is biased against the outer face at the second end to form a channel for receiving a portion of the ornamental item. The securing arm extends past one of the side edges of the mounting portion, as best seen in Figure 3 on the right-hand side.

***Claim Rejections - 35 USC § 103***

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waddell (5,215,236) in view of Walker et al. (4,928,864). Waddell shows all features claimed by the applicant's invention but does not however show the free end extents being arcuate in a direction that allows the group of connected transverse, return and free end extents forming a portion of a circle. The shape of the end extents is the applicant's design choice and does not change the utility of the invention. However, Walker et al. does show the free end extents (13) being arcuate as to form a portion of a circle with the transverse and return extents. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have created the end extents by Waddell arcuate in the direction as taught by Walker as a matter of design choice.

Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waddell (5,215,236) in view of DesSaulles (2,506,859). Waddell shows all features

claimed by the applicant's invention but does not however show the free end extents being arcuate in a direction that allows the group of connected transverse, return and free end extents forming a portion of a circle or the free end extents being oriented generally perpendicular to the longitudinal extent. The shape of the end extents is the applicant's design choice and does not change the utility of the invention. However, DesSaulles does show the free end extents (24,26) being arcuate as to form a portion of a circle with the transverse and return extents and oriented generally perpendicular to the longitudinal extent. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have created the end extents by Waddell arcuate in the direction as taught by DesSaulles and perpendicular to the longitudinal extent as a matter of design choice and to provide a more secure fit onto a user's hand.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waddell (5,215,236). Waddell shows all features claimed by the applicant's invention but does not specifically show the distance of the gap being approximately one-half the distance of a farthest extent of the return extents from the longitudinal extent. This is the design choice of the applicant. It is inherent that the extents need to be able to flex significantly enough for the clip to be placed onto a user's hand. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the extents flex to approximately twice the original distance to allow the clip to be placed onto the user's hand.

***R s p o n s   t o   A r g u m e n t s***

Regarding the applicant's argument based on the Quackenbush reference, the arguments are considered moot as a new reference has been used to reject the claims, which was necessitated by the applicant's amendment.

***C o n c l u s i o n***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Weinhold whose telephone number is (703)-306-5762.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-3686 for informal documents, (703) 872-9326 for formal regular communication and (703) 872-9327 for After Final Communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Ingrid Weinhold  
Patent Examiner  
Technology Center 3600  
Art Unit 3632



LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER